

REMARKS/ARGUMENTS

Claims 1-16 are pending in this application. By this Request for Reconsideration, favorable consideration the following remarks is respectfully requested.

The Office Action rejects claims 1-16 under 35 U.S.C. §103(a) over Reisman and U.S. Patent No. 6,138,139 to Beck et al. (hereafter "Beck"). The rejection is respectfully traversed.

Applicants respectfully submit that when establishing a *prima facie* case of obviousness, the Patent Office carries the initial burden of establishing, *inter alia*, that there exists some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to combine the teachings of references. M.P.E.P. § 2143. In addition, the Office must show that the references when combined teach or suggest all of the limitations of the claims. *Id.* In the present case, the rejection is improper at least for the reason that Reisman and Beck do not teach or suggest all of the elements of the claims.

The Office Action asserts Reisman discloses data can be displayed to a user in different forms (product-specific configurations or user-specific configurations). The Office Action further asserts a web package assembler provides assembly of received content elements into desired web packages. See column 51, lines 16-21 of Reisman. Reisman further discloses assembly of content elements into standardized or customized web packages for use at a user's station. See column 51, lines 39-45 of Reisman. However, Applicants respectfully submit that

each disclosed custom or standard user interface or APIs 40 and 42 is for a specific purpose. Thus, Applicants respectfully submit that a plurality of item priority criteria are not provided to the user in Reisman, let alone prioritized. The Office Action admits that Reisman does not specifically disclose priority information. See Item 5 on page 6 of the Office Action.

1. The Office Action alleges it would have been obvious to modify Reisman to implement priority information in processing transactions in a network as disclosed in Beck. Applicants respectfully disagree.

The Federal Circuit has held that there must be a clear and particular suggestion in the prior art to combine the teachings of the cited references in the manner proposed by the Examiner. As explained by the Federal Circuit, "[o]ur case law makes clear that the best defense against the subtle but powerful attraction of a hindsight-based obviousness analysis is rigorous application of the requirement for a showing of the teaching or motivation to combine prior art references." See *In re Dembiczak* 175 F.3d 994, 999, 50 U.S.P.Q.2d 1614, 1617 (Fed. Cir. 1999). Applicants respectfully submit there is no clear and particular suggestion or motivation to modify Reisman with the disclosure of Beck.

In particular, Applicants respectfully point out that Beck discloses prioritizing incoming communications from an important client higher than incoming communications from a bad client in a enterprise-hosted multimedia call center. See column 16, lines 60-67 of Beck. Further, Beck discloses interactions with live external media are preferably recorded and stored, for example in MIS 79, with an associated text version to become part of an

overall threaded contact history. See column 8, lines 45-65, Figure 8 and column 21, line 65-column 22, line 9. Beck further discloses that concurrent interactions (e.g., diverse interaction path) that occur in a threaded dialogue can be listed in any order. See column 38, lines 10-15 and column 40, line 53-column 41, line 20 of Beck.

Reisman, on the other hand, is not concerned with prioritizing incoming calls or data through a communication center or logging incoming calls to provide a seamless customer interaction with an enterprise-agent or knowledge worker.

As such, there is absolutely no suggestion or need to modify Reisman with a method of recording a diverse interaction path of a threaded dialog as taught by Beck. Indeed, only through hindsight using Applicants' disclosure would one even attempt to combine the references, which is improper.

2. In addition as described above, Applicants respectfully submit that even if combined, Reisman and Beck do not teach or suggest at least features of prioritized search item ordering criteria for searching and browsing the multimedia object, and user preference information for each of a plurality of the search item ordering criteria and combinations thereof as recited in claim 1. Again, the Office Action admits Reisman does not disclose priority information. Thus, Applicants respectfully submit that Reisman does not teach or suggest any modification to its disclosure that would result in at least features of prioritized search item ordering criteria and user preference information for each of a plurality of the search item ordering criteria and combinations thereof as recited in claim 1.

The Office Action asserts Beck discloses prioritizing the information in processing transactions in a network, namely, users can utilize certain media options with a priority over one another regarding interaction with the enterprise. The Office Action asserts Beck discloses a VIP client may have live interactive media choices citing column 4, lines 36-64 and column 41, line 1-column 42, line 50. See Item 6 on page 9 of the Office Action.

In contrast, in an embodiment according to the present invention, for example, an apparatus can search or browse searched multimedia using search items (e.g., categories) displayed to the user (e.g., character, place, incident, article, key frame, etc.) using various criteria or methods (e.g., time of occurrence, alphabetical order, number of appearances, etc.) according to each user's preference for the various criteria or method. In this embodiment search items (e.g., categories) displayed to the user can have corresponding system assigned weights or user selected weights (e.g., for searching a database). Further, in one embodiment the criteria or methods (e.g., time of occurrence, alphabetical order, number of appearances, etc.) for display of the search item ordering criteria can be prioritized according to user's preference.

Thus, in addition to the search items for a multimedia search would return a set of multimedia objects based on their resulting correspondence to the weights of the search items, various criteria or method of displaying the search items (e.g., time of currents, alphabetical order, number of appearances, etc.) have a priority that can be set by a user (e.g., user's preference). Applicants respectfully submit that Beck does not disclose a plurality of

criteria or methods for displaying "media options with a priority over one another."

However, Applicants respectfully submit that at best Beck merely appears to disclose a plurality of "media options" available to a user that may have priority in interacting with the enterprise. See column 16, lines 48-67 and columns 41-42 of Beck. Further, Applicants respectfully submit that Beck does not teach or suggest, for example, prioritizing such media options for display to a user in accordance with each user's preference. Thus, Applicants respectfully submit that Reisman and Beck, individually or in combination, would not result in at least features of prioritized search item ordering criteria for searching and browsing the multimedia object, and user preference information for each of a plurality of the search item ordering criteria and combinations thereof as recited in claim 1.

For at least the reasons set forth above, Applicants respectfully submit that claim 1 defines patentable subject matter. Claims 7, 8 and 11 define patentable subject matter for at least reasons similar to claim 1 and therefore also define patentable subject matter. Claims 2-6, 9-10 and 12-16 depend from claims 1, 7 and 8, respectively. Withdrawal of the rejection of claims 1-16 under 35 U.S.C. §103 is respectfully requested.

CONCLUSION

In view of the foregoing amendments and remarks, it is respectfully submitted that the application is in condition for allowance. If the Examiner believes that any additional changes would place the application in better condition for allowance, the Examiner is invited to contact the undersigned attorney, **Carl R. Wesolowski**, at the telephone number listed below.

Serial No. 09/666,282
Reply to Office Action of December 16, 2004

Docket No. P-0125

To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this, concurrent and future replies, including extension of time fees, to Deposit Account 16-0607 and please credit any excess fees to such deposit account.

Respectfully submitted,
FLESHNER & KIM, LLP



Carl R. Wesolowski
Registration No. 40,372

P.O. Box 221200
Chantilly, Virginia 20153-1200
703-766-3701 DYK/CRW:jld
Date: March 16, 2005

Please direct all correspondence to Customer Number 34610